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FILED

MAR 28 2002

JUDGE MARINA CORODEMUS

MARSHA F. DOOLITTLE and
RICHARD H. DOOLITTLE, her husband,

Plaintiffs,

vs.

R.J. REYNOLDS TOBACCO COMPANY,
THE AMERICAN TOBACCO COMPANY,
BROWN & WILLIAMSON TOBACCO
CORPORATION, B.A.T. INDUSTRIES
PLC, BATUS HOLDINGS, INC., BRITISH
AMERICAN TOBACCO COMPANY LTD,
BRITISH-AMERICAN TOBACCO
(HOLDINGS) LTD, PHILIP MORRIS, INC.
(Philip Morris U.S.A.), LIGGETT AND
MYERS, INC., LORILLARD
CORPORATION, THE COUNCIL FOR
TOBACCO RESEARCH U.S.A., INC.
(Successor in Interest to the Tobacco Industry
Research Committee), TOBACCO
INSTITUTE, INC., HILL AND
KNOWLTON, INC., JOHN DOE TOBACCO
CORPORATIONS "A" THROUGH "Z,"
MILLVILLE LAUNDRY, MILTEX,
JOHN FOE, JOHN MOE, ABC CORP.,
XYZ CORP., A.L. WILSON CHEMICAL
CO., CALEB SIGNAL CHEMICAL,
ECOLAB, INC., TWI-LAG INDUSTRIES,
INC., NEWHOUSE SPECIALTY CO.,
INC., DOW CHEMICAL COMPANY,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY
DOCKET NO. MID-L-57771-00 MT
CASE CODE: 241

Civil Action

TOBACCO LITIGATION

**CONSENT ORDER PERMITTING
DESTRUCTIVE TESTING OF
PATHOLOGY MATERIALS**

BIG D INDUSTRIES, INC., and	:
LERRO PRODUCTS, LOCTITE	:
CORPORATION NORTH AMERICAN	:
GROUP, LOCTITE CORPORATION, USA,	:
THE PENN COMPANIES, AND ELMER'S	:
PRODUCTS, INC., jointly, severally and	:
in the alternative,	:
	:
Defendants.	:
	:

THIS MATTER having come before the Court in accordance with Case Management Recommendation No. 1, Section VII.A.2.c., upon the joint application of counsel for the Plaintiffs and counsel for Defendants R.J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation, Philip Morris Incorporated, and Lorillard Tobacco Company (the "Tobacco Defendants") for entry of an order authorizing work product protected testing on pathology materials of Marsha Doolittle, there being no opposition to the joint application, and the Court having considered the joint application, and good cause appearing:

It is on this 28th day of March, 2002, ORDERED as follows:

1. The Tobacco Defendants and Plaintiffs are authorized to have sections cut from any tissue blocks or pathology specimens taken from Marsha Doolittle for the purpose of evaluation and testing of such materials, including destructive testing, for use by their consulting experts.

2. Testing of a destructive nature may be performed on sections cut from tissue blocks and/or pathology specimens in an amount necessary to perform such testing so long as such testing by either side does not deplete more than one-third of the available tissue of any block sampled.

3. The identity of the Tobacco Defendants' and the Plaintiffs' non-testifying experts or consultants, as well as the nature, results, and all other facts, circumstances, and opinions relating to the testing of the tissue blocks and/or pathology specimens, is entitled to protection from disclosure under Rule 4:10-2(d)(3) of the New Jersey Rules of Court as attorney work product.

4. All tissue block and/or pathology specimen test results on which the Tobacco Defendants' or the Plaintiffs' testifying expert witnesses will rely at trial and their opinions relating to the pathology test results will be disclosed to all parties at the time of the disclosure of the testifying experts' opinions in accordance with the applicable case scheduling recommendation.

5. The post-testing remainder of any tissue blocks and/or pathology specimens obtained by the Tobacco Defendants or the Plaintiffs shall be returned or delivered to such person or entity as the parties may agree on upon completion of the testing.



Marina Corodemus, J.S.C.

The undersigned consent to the form and entry of the within Order:

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- and -

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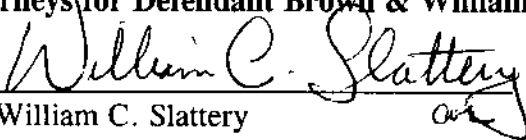
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